

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Revision Petition— Srikakulam District - Revision Petition filed by Sri Mudasala Pydaiah, S/o Late Ramudu, Resident of Chillapeta Rajam Village of Ranasthalam Mandal - Srikakulam district against the orders of the Joint Collector, Srikakulam – Case Called for Hearing on 23-01-2010 and Heard the Case - Revision Petition Dismissed – Orders – Issued.

REVENUE (ASSIGNMENT –I) DEPARTMENT

G.O.Ms.No. 165

Dated: 23- 02- 2010

Read: the following:-

- 1) Revision Petition filed by Sri Mudasala Pydaiah, S/o Late ramudu, Resident of Chillapeta Rajam Village of Ranasthalam Mandal - Srikakulam district Dated 20-02-2003.
- 2) Govt.Memo.No.22424/Assn.I(1)/ 2003-1/. Revenue Department, Dated 13.5.2003
- 3) From the Collector, Srikakulm Dist. Lr.No. 1995/03/E2, Dated.18-05-2005
- 4) Notice for hearing in Govt.Memo.Memo.No.22421/ Assn.I(1)/ 2005, Revenue Department, Dated 18-08-2006, 13.11.2006, 5.1.2007, 29-01-2007, 31-08-2007, 11-09-2007, 23-10-2007, 23-02-2008, 18-08-2008, 31-10-2009, and last and final Hearing Notice Dated 27-11-2009.
- 5) From the Tahsildar, Ranasthalam Mandal, Srikakulam district, Rx.No.66/ 2005.,A, Dated 12.1.2010 Addressed to the Joint Secretary to Government, Revenue (Assignment-I) Dept.

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ORDER :

Sri Mudasala Pydaiah, S/o Late Ramudu, Resident of Chillapeta Rajam Village of Ranasthalam Mandal - Srikakulam district has preferred an appeal against the orders of the Joint Collector, Srikakulam, in his proceedings Rc.No.3216/02/E2, dt. 6-11-2002 on the following grounds:

- (a) The Respondents i.e., Joint Collector,/ RDO/ MRO ought to have seen that the land in question has been enjoyed by the petitioner since 17 years and he is paying Cist to the Government since then and there was no interruption by anybody.
- (b) That the petitioner is a landless poor and their family depends on the agricultural income and they have no other sources of income except from the yielding of this land
- (c) The Respondents ought to have seen that for the fault of others the petitioner shall not be suffered.
- (d) The respondents ought to have seen that the Vendors i.e., Chilla Lakshmaidu, Asirinaidu and Venkata Lakshmuudu had never disclosed the nature of the land ie., Assigned land. And they never sated in the sale deed that these lands are assigned lands.
- (e) The Respondents ought to have seen that the 4th Respondent with a malafide intention to grab the land, she is known fully well that the land in question are assigned lands suppressing the said fact, she sold the land to he petitioner stating that the lands are zeroiti patta land.
- (f) The Joint Collector ought to have seen that once the 4th Respondent sold the lands by way of registration suppressing the fact that these lands are assigned lands subsequently, she cannot have only right to claim that these lands are assigned lands and restore the lands to her.
- (g) The respondents ought to have seen that the 4th respondent and her family members got more than 50 acres of D. Patta land and Zeroiti land in their land by misusing the administrative powers vested on them.
- (h) The 4th respondent willfully sold away the lands by cheating and without informing that the land is assigned land.
- (i) The petitioner has filed petition before the Government to set-aside the proceedings of the Joint Collector in Rc.No.3216/ 2002/E2., dated 06.11.2002, and to issue pattas in favour of the petitioner.

P.T.O.

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3. In the reference 2nd read above, the Dist. Collector, Srikakulam was requested to send a detailed report along with the connected records to Government, immediately for taking further necessary action on the RP filed by the Applicant.

4. In the reference third read above, the Collector, Srikakulam district has submitted a report to Government

Brief facts of the case are as follows:-

5. Smt. Chilla Chandramma W / o Late Laxmunaidu was granted D-patta to an extent of Ac.4-24 cents in S.No.55/2 of Chillapeta Rajam Village by the then Tahsildar, Cheepurupalli vide D.C No.12301/79, Dated 30.6.99. The Mandal Revenue Officer, Ranasthalam has found that an extent of Ac.1-00 Cts of the above assigned land was in possession and enjoyment of Sri Mudasala Paidaiyah, S/o Late Ramudu, the present Revision petitioner by purchased the land under sale deed alleged purchaser by purchasing under Sale-deed, and therefore the MRO, Ranasthalam has initiated action as per the rules made under AP Assigned Land (Prohibition of Transfer) Act, 1977, and restored the land to the Original Assignee in his proceedings Rc.No.328 / 2001, dated 29-11-2001.

6. Aggrieved by the orders of the Mandal Revenue Officer, Ranasthalam Sri Mudasala Pydaiah, the present Revision Petitioner preferred an appeal before the Revenue Divisional Officer, Srikakulam and the Revenue Divisional Officer, Srikakulam set aside the order of the Mandal Revenue Officer, Ranasthalam in his proceedings No.3620/2001/B; dt. 29-11-02.

7. Therefore Smt Chilla Chandramma, W/o late Sri Laxmunaidu, the Original assignee filed Revision Petition before the Joint Collector, Srikakulam against the orders of the Revenue Divisional officer, Srikakulam and the same was allowed. The Joint Collector, Srikakulam in his Proceedings Rc.No.3216/02/E2, dt. 6-11-2002 upheld the orders of the Mandal Revenue Officer, Ransthalam.

8. The Petitioner has filed an Appeal before the Commissioner of Appeal, Hyderabad and the appeal was rejected on the ground that the Appeal is not maintainable for want of jurisdiction vide CCLA, Ref No. BCW 5/ 20/ 2003., dated 22.1.2003.

9. Aggrieved by the orders of the Joint Collector, Srikakulam Sri M. Pydaiah, S/o Late Ramudu, has filed REVISION PETITION before the Government.

10. The Collector, Srikakulam has furnished his remarks on grounds of the Revision Petition as follows:

- (a) The Contention of the Revision Petition is not correct. The Joint Collector has passed orders Judiciously duly following the procedure and hence maintainable.
- (b) It is not true. The Revision Petitioner failed to show Strict proof of his contention he has not adduced any Evidence before the appellate authorities.
- (c) It is not correct. Both the Mandal Revenue Officer Ransthalam & Joint Collector, Srikakulam taken action duly following procedure under the Act 9/77. Hence consideration does not arise.
- (d) It is not correct to say that for the fault of others, the Petitioner should not be suffered. The Government have in no way concerned in the transaction undertook between the Revision Petitioner assigned and the Revision Petitioner ought to have ascertain and verify the title and other records before purchasing the said land. The Revision petitioner is well aware that the land is an assigned and land will fully engaged to purchase the land.
- (e) The Petitioner has not produced any evidence in his favour
- (f) The Revision petitioner has to show strict proof of his Contentions. The Revision petitioner purchased the land against the rules and norms and leveled allegation filing appeals when the officials are taking action judiciously.

11. The Collector, Srikakulam has therefore requested the Government to dismiss the Revision petition filed by the present Revision Petitioner Sri Mudasala Appanna and issue necessary orders.

(contd. Page 3)

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12. An opportunity of hearing was given to the Petitioner and the case was called for hearing on 18-02-2006, 02-09-2006, 07-10-2006, 16-12-2006, 27-01-2007, 17-02-2007, 14-09-2007, 27-10-2007, 31-05-2008, and finally on 21-11-2009 23-01-2010 at 4-00 PM.

13. The Advocate for Petitioner, and the Dy.Tahsildar, Ranasthalam Mandal were present.

14. Heard the arguments of the Advocate for the Petitioner, and perused the records submitted by the Collector, Srikakulam.

15. After hearing the contents raised by the Advocate for the petitioner, and after perusal of the report/ records submitted by the Collector, Srikakulam, it was observed by the Government that the contention of the Revision petitioner is not correct since Section 3 (2) Act 9/77 prohibits transfer of assigned lands by way of sale, gift, mortgage, exchange, lease or otherwise and no right or title in such assigned lands shall vests in any persons acquiring the land. As per Section 3 (3) of the Act says that any transfer or acquisition made in contravention of provision of Sec.3 (1) and 3 (2) shall be deemed to be null and void.

16. It was also observed that the Revision petitioner is well aware that the land is an assigned and land willfully engaged to purchase the land. The petitioner has not produced any evidence in her favour. The said land purchased by the petitioner against the rules and norms. Since the Revision Petitioner purchased the assigned lands in contravention of Act 9/77 the MRO has rightly resumed the lands to the original assignee, and Revision Petition deserves no consideration and liable to be dismissed.

17. Hence, the Revision Petition filed by Sri Mudasala Pydaiah, S/o Late Ramudu, Resident of Chillapeta Rajam Village of Ranasthalam Mandal - Srikakulam district is hereby dismissed.

18. The District Collector, Srikakulam shall take necessary action.

19. The Original records sent by the Collector, Srikakulam in D.Dis.No.3216/2002, Dated 14.11.2002 containing NF-10 Pages / CF 1-118 are herewith returned to the District Collector, Srikakulam, and he is requested to acknowledge the same.

(BY ORDERAND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To

The District Collector, Srikakulam.

(with the Original Records)

Sri Mudasala Appanna, s/o Late Pentayya, Challapeta, Rajam village,
Ranasthalam Mandal, Srikakulam district.

Sri Aravala Rama Rao, Advocate,
12-2-617/A/6, Gudimalkapur, Mehdiapatnam, Hyderabad. 500 028.

Copy to the Commissioner, Appeals, O/o the CCLA, Hyderabad.

Copy to the Joint Collector, Srikakulam district.

Copy to the Tahsildar, Ranasthalam Mandal, Srikakulam district.

Copy to the PS to Secretary to Govt.(RT), Revenue Dept.

Stock-file.

// FORWARDED :: BY ORDER//

SECTION OFFICER